

LINCOLN POLICE DEPARTMENT GENERAL ORDERS



NUMBER: 1840
TOPIC: TOWING MOTOR VEHICLES
ISSUED BY: JEFF BLIEMEISTER, CHIEF OF POLICE
DATE: 1-1-2018
SUPERSEDES: G.O. 1840, 2017
REFERENCE: G.O. 1850

I. POLICY

The Lincoln Police Department will tow motor vehicles when necessary, and as permitted by city ordinances. Vehicles may also be impounded for investigative or evidentiary purposes, and special circumstances.

II. PROCEDURE

A. Contracted Towing Service

1. The City contracts with a towing service to be utilized for department ordered tows.
2. The services of the contract towing company may also be offered to citizens when no other preference is expressed.
3. All vehicles towed will be taken to the city impound lot. An inside storage facility is available and can be used when vehicles are towed for evidentiary reasons.

B. Towing Procedures

1. Obtain a case number and complete the online property report. A copy will print at the Property Unit, Communications Center and at the impound lot. Note any damage to the vehicle and whether the owner has been contacted.
2. Conduct an inventory of the vehicle. List any items of more than nominal value on the Property Report. High value items should be carefully itemized, tagged separately, and placed in Property and Evidence for safekeeping. The inventory should include:
 - a. The entire passenger compartment of the vehicle.
 - b. The glove box, console, trunk, all unlocked containers, and other cargo compartments, if access can be gained without damage.
3. Citizens' inquiries should be referred to the contract tow service.

C. Vehicles Towed at Citizens' Request

1. Officers will assist citizens in arranging for the towing of disabled vehicles.
2. In such instances, a Property Report is not required.

D. Violation Tows

1. Vehicles may be cited and towed when left parked or standing in the streets, alleys, public ways, parking facilities, or public places of the city in violation of city ordinances.
2. Violation tows are warranted for vehicles which are:
 - a. Interfering with the lawful use of the street;
 - b. Blocking a driveway or fire hydrant;
 - c. Parked in a restricted zone;
 - d. Parked over 24 hours;
 - e. Parked in a handicapped stall without authorization;
 - f. Violating a snow emergency order;
 - g. Interstate parked;
 - h. Left abandoned on public property.
3. Parking enforcement guidelines and vehicle towing are detailed in General Order 1850 "Parking Enforcement."

E. Impound Tows

1. Vehicles may be towed and impounded in the following instances:
 - a. The vehicle is needed as evidence;
 - b. The vehicle is secured while obtaining a search warrant;
 - c. The vehicle was used or intended for use in transporting a controlled substance with intent to manufacture, distribute, deliver, or dispense;
 - d. The driver or vehicle owner is unable to produce valid proof of ownership e.g. registration, title, or dealer bill of sale;
 - e. The vehicle is a recovered stolen vehicle and the owner cannot respond to take possession;

- f. The vehicle appears on the pick-up list for unpaid parking tickets.
 - (1) Vehicles on the pick-up list may be towed and held.
 - (2) Officers and PSO's locating a vehicle on the pick-up list shall verify the tickets have not been paid prior to directing the tow. This can be done by contacting Channel 50.
 - (3) Information should be relayed to the Emergency Communications Center for the tow-in log.
 - (4) If the owner is present and capable of paying the fines, he or she may contact Parking Services.
 - (5) Vehicles may be released when a receipt is produced showing payment of the parking fines, or a court time has been scheduled for disposition.
- 2. Towing and Impounding for Driving Under Suspension
 - a. Officers who arrest or cite motorists for driving under suspension or revocation shall declare the vehicle a public nuisance (Nebraska Revised Statute 60-4,110), tow the vehicle, and impound the vehicle for up to 30 days if:
 - (1) The driver's motor vehicle query information indicates the driver's operating privileges are currently not eligible for reinstatement due to revocation or suspension in Nebraska; or
 - (2) The driver has received a citation within the preceding 12 months for driving under suspension or revocation; or
 - (3) The driver's motor vehicle query information indicates the driver has two or more prior convictions for driving under suspension or during revocation in Nebraska.
 - b. If the vehicle is not towed and impounded the officer will document:
 - (1) The circumstances preventing the impound; and,
 - (2) Actions taken by the officer to prevent the driver from continuing to operate the nuisance vehicle.
 - c. Towing costs are the responsibility of the driver or owner.
 - d. The towed vehicle shall be immediately released to the owner if:
 - (1) The defendant is found guilty;
 - (2) The defendant is found not guilty;
 - (3) The charge is not filed, or is dismissed by the prosecutor;
- (4) The defendant's driver's license is reinstated;
- (5) A final disposition of the charge is made;
- (6) The court orders the release.
- (7) The holder of a bona fide lien on the vehicle requests release for the purpose of foreclosure.
- 3. When a vehicle is impounded the Property Report box indicating "police hold" should be checked. Any special instructions should be noted in the "comments" section.
- 4. Vehicle impounds on suspended drivers shall have the "police hold" box checked with 30 days noted.
- 5. A hold may be released by any officer, supervisor, or Property and Evidence Unit employee.

F. Tows from Private Property

- 1. Owners of private parking lots shall be advised that they are responsible for having unauthorized vehicles removed, as this is a civil matter.
- 2. If the vehicle remains on the property for more than seven days, it may be towed as an abandoned vehicle. For information see General Order 1850, "Parking Enforcement."

G. Accident Tows

- 1. Vehicles may be legally parked, if operable.
- 2. If a vehicle is disabled the driver may select the tow company of his or her choice, or request the City's contract tow service.
- 3. The driver shall be informed that the street must be cleared of obstruction within 20 minutes.
- 4. The tow company or drivers involved are responsible for clearing the roadway of debris.
- 5. When a driver is taken from the scene, the officer shall ensure the vehicle is secured and valuable contents are placed in safekeeping.

H. Arrest from Vehicle

- 1. Vehicles left in the roadway after the arrest of a driver may be:
 - a. Released to an unimpaired licensed passenger, with the suspect's permission;
 - b. Legally parked and secured, with the suspect's permission.

2. If neither of these options is practical, or if the vehicle is needed for evidentiary purposes, the vehicle may be towed.